

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 01**

STARBUCKS CORPORATION

Employer

and

WORKERS UNITED

Petitioner

Case 01-RC-293595

**DIRECTION AND NOTICE OF
HEARING ON CHALLENGED BALLOTS**

Based on a petition filed on April 6, 2022, and pursuant to a Stipulated Election Agreement, an election was conducted by mail ballot, to determine whether a unit of employees of the Employer wish to be represented for purposes of collective bargaining by the Petitioner. That voting unit consists of:

All full-time and regular part-time baristas and shift supervisors employed by the Employer at its 25 Pace Blvd, Warwick, RI 02886 facility (Store #7430); but excluding store managers, office clerical employees and guards, professional employees and supervisors as defined in the Act.

The ballots were counted on June 14, 2022, and the tally of ballots prepared shows that of the approximately 30 eligible voters, 20 cast ballots, of which 9 votes were cast for the Petitioner and 8 votes were cast against the representation, 1 ballot was void and 2 ballots were challenged, a number that is sufficient to affect the results of the election.

THE CHALLENGED BALLOTS

The names of the challenged voters, the stated reason for each challenge, and the party or person who made the challenge are as follows:

NAME	CHALLENGED BY	REASON
(b) (6), (b) (7)(C)	Board	Not on List
(b) (6), (b) (7)(C)	Board/Union	No Signature

With regards to the ballot of (b) (6), (b) (7)(C), the Petitioner argues the ballot should not be counted, as (b) (6) name did not appear on the eligibility list, and (b) (6) was therefore ineligible to vote in the election. The Employer maintains the ballot of (b) (6), (b) (7)(C) should be counted as (b) (6) was in the proposed unit as of the payroll period ending April 17, 2022, and the date when they mailed in their

ballot. The Employer acknowledges, that although (b) (6), (b) (7)(C) did not formally work in the Warwick store until (b) (6), (b) (7)(C) their transfer had been submitted in Partner Central by (b) (6), (b) (7)(C) the payroll period prior to the payroll period ending date for the Voter List.

The Petitioner argues the ballot attributed to (b) (6), (b) (7)(C) bears an illegible mark in the space provided for signature, and the Region should not accept this as a signature and count this ballot without first proceeding to a hearing. The Employer argues the ballot envelope clearly has an intentional marking on the flap of the outer envelope and there is no evidence to suggest that this is not (b) (6), (b) (7)(C) signature. As a result, (b) (6), (b) (7)(C) ballot should be counted, and a hearing should be held to consider evidence regarding whether their signature was consistent with other known examples.

CONCLUSION AND ORDER

I have concluded that the challenged ballots raise substantial and material issues of fact that can best be resolved by hearing. Accordingly, in accordance with Section 102.69(c)(1)(ii) of the Board's Rules and Regulations, IT IS ORDERED that a hearing shall be held before a Hearing Officer designated by me, for the purpose of receiving evidence to resolve the issues raised by the challenged ballots. At the hearing, the parties will have the right to appear to give testimony, and to examine and cross-examine witnesses.

Upon the conclusion of the hearing, the Hearing Officer shall submit to me and serve on the parties a report containing resolutions of the credibility of witnesses, findings of fact, and recommendations as to the disposition of the challenged ballots.

NOTICE OF HEARING

Starting at **10:00 a.m. on Friday, July 22, 2022, by videoconference**, a hearing on challenged ballots as described above will be conducted before a hearing officer of the National Labor Relations Board's Region One Office. The hearing will continue on consecutive days thereafter until completed unless I determine that extraordinary circumstances warrant otherwise.

Dated: July 1, 2022



Laura A. Sacks, Regional Director
National Labor Relations Board
Region 01